
**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
	:	
V.	:	18-CR-97
	:	
ROSS ROGGIO	:	
ROGGIO CONSULTING, LLC	:	

DEFENDANTS' STATUS REPORT PURSUANT TO COURT ORDER

AND NOW, comes Defendants, by and through Counsel, who file this Status Report, at the direction of the Court, averring as follows:

1. This Honorable Court issued an Order (Doc. 163) on September 21, 2022, directing Defense Counsel to file a Status Report on or before Friday, September 23, 2022, setting out with specificity what efforts they have made to retrieve discovery from former counsel Gino Bartolai.
2. Defense Counsel has been in contact with former defense counsel Gino Bartolai ("Bartolai"), specifically requesting a copy of the his case file, from the outset of their taking over the defense of this case, on August 9, 2022, via telephone and e-mail correspondence.
3. Bartolai advised Defense Counsel, via e-mail, on Saturday, September 3, 2022, that the Roggio case file was ready to be picked up.
4. Subsequent to Bartolai's above-referenced e-mail of September 3, 2022, there were attempts to make arrangements to pick up the file, but the same was not possible.
5. Defense Counsel obtained the case file from Bartolai on or about September 9, 2022.
6. There was a delay in getting the case file from Bartolai, as he was in trial, as indicated above, so there was no one to pick the file up from during business hours. Bartolai ultimately delivered the case file to Defense Counsel, upon the conclusion of his trial.
7. Based upon the review to date of Defense Counsel, of the discovery produced, it is humanly impossible to effectively review and analyze said discovery, within the time allotted.
8. Defense Counsel needs to not only review and analyze all of the discovery, but to consult with the Defendant regarding the same, conduct any necessary legal research, and draft the pretrial motions and briefs in support between now and the current pretrial motion deadline of September 27, 2022.

9. These motions are necessary to the preparation of an effective defense in this matter, and the interests of justice lie in favor of permitting leave to file such motions.
10. AUSA Todd Hinkley concurred in the request to file pretrial motions in regard to the torture charges which were added in the Superseding Indictment, and explained said concurrence in the Government's Report Pursuant to Court Order (Doc. 162), specifically in paragraphs 28 and 29 of the same, as follows:
 - a. 28. ... "Understanding that this matter has been declared a complex case by the Court and knowing the volume of evidence turned over during discovery, the Government concurred in the said motions to give counsel sufficient time to review and prepare motions deemed appropriate to the new allegations in the Superseding Indictment."
 - b. 29. "While the lion's share of discovery is relevant to the original Indictment and the non-*Jencks* information/evidence related to the torture charges is limited in nature, the Government believes that having a basic understanding of the original case is prerequisite to filing new motions – if any. Even though the original discovery was provided to the defense soon after Indictment (2018), the Government believes that it will take some time for current counsel to familiarize themselves with the evidence. ..."
11. The Defense is aware that any further pretrial motions are limited to the charges of Conspiracy to Commit Torture and Torture contained in the Superseding Indictment (Doc. 122).
12. The Defense is aware that the Court has set this case for Trial on February 6, 2023.
13. Due to the voluminous nature of the file in this case and the unique subject matter involved, counsel is respectfully requesting this Honorable Court to reconsider its Order of September 9, 2022 (Doc. 159) and to grant an extension of at least thirty (30) days from the current pretrial motion deadline of September 27, 2022, to review discovery and file pretrial motions.

WHEREFORE, Defendants submit this Status Report and respectfully requests this Honorable Court grant the Motion for Reconsideration (Doc. 160) and provide leave to file pretrial motions within thirty (30) days from the current pretrial motion deadline of September 27, 2022.

Respectfully Submitted

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